



# City of Marietta

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

## Meeting Agenda CITY COUNCIL

*R. Steve Tumlin, Mayor*  
*Stuart Fleming, Ward 1*  
*Grif Chalfant, Ward 2*  
*Johnny Walker, Ward 3*  
*G A. (Andy) Morris, Ward 4*  
*Anthony Coleman, Ward 5*  
*Michelle Cooper Kelly, Ward 6*  
*Philip M. Goldstein, Ward 7*

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Wednesday, October 8, 2014

7:00 PM

Council Chamber

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### CALL TO ORDER:

### INVOCATION:

*Council Member Philip Goldstein, Ward 7*

### PLEDGE OF ALLEGIANCE:

### PRESENTATIONS:

**20141072      Park Street Elementary School Poster Contest Winners**

Kim Holland and Karmen Scarbro, BLW Water Department, present awards to the Park Street Elementary School poster contest winners for their entries in the Public Power & Clean Water Poster Contest. The poster contest theme was “Why is Water / Electricity Important to me?”

Why Water is Important to me

Grand Prize- Takara Scurry, 5th grade  
1st Place - Hamzah Hilali, 4th grade  
2nd Place - Nathaly Santos, 3rd grade  
3rd Place - Angel Matias, 3rd grade

Why Electricity is Important to me

Grand Prize- Jaleel Smith, 3rd grade  
1st Place - Myles Cook, 3rd grade  
2nd Place - Valeria Virgen, 4th grade  
3rd Place - Trinity Williams, 3rd grade

**20140607      Marietta Citizens’ Police Academy**

Graduates from the Marietta Citizens’ Police Academy are

Sallie Carlile  
Norris Clemmons  
Ines Embler  
Gary Guthrie  
Robert Hamilton  
Noreen Hamilton  
Victor Jester  
Pat Jester  
John Langston  
Nancy Loeffel  
Sam McCoy  
Jim Miller  
Susan Onyewuchi  
Carrie Rainey  
Christine Rozman  
Ashley Shurtz  
Tracy Williams  
Robert Zajicek

- 20141111** Presentation to Miriam Corbin, Employment Manager and John Helton, CobbWorks Inc. for their hard work and dedication on the Annual Marietta/Cobb Career Expo.

**PROCLAMATIONS:**

**ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR, COUNCIL AND/OR CITY MANAGER:**

**SCHEDULED APPEARANCES:**

**UNSCHEDULED APPEARANCES:**

**CONSENT AGENDA:**

**Consent agenda items are marked by an asterisk (\*). Consent items are approved by majority of council. A public hearing will be held only for those items marked by an asterisk that require a public hearing (also noted on agenda).**

**MINUTES:**

- \* **20141084** **Regular Meeting - September 10, 2014**

Review and approval of the September 10, 2014 regular meeting minutes.

**MAYOR'S APPOINTMENTS: (for informational purposes only)**

- 20141110** **Marietta Historic Board of Review Mayor's Appointment**

Appointment of Mr. Chris Brown to the Marietta Historic Board of Review as the Mayor's Appointment, for a two (2) year term.

**CITY COUNCIL APPOINTMENTS:**

- \* **20141081** **Marietta Museum of History Re-appointments**

Motion to approve a recommendation by the Museum of History Board to reappoint Guy H. Northcutt Jr., and Danna Kaye to the Board of Directors for a term of 3-years expiring October 31, 2017.

- \* **20141082** **Marietta Museum of History Appointment**

Motion to approve a recommendation by the Museum of History Board to appoint Beth Briscoe Graham to the Board of Directors for a term of 3-years expiring October 31, 2017.

**ORDINANCES:****20140960      Z2014-19 Roger Davis, Red Hare Brewery 994 and 1010 Roswell Street**

Z2014-19 [SPECIAL LAND USE PERMIT] ROGER DAVIS, RED HARE BREWERY, request a Special Land Use Permit, with variances, in order to construct a brewery containing over 15,000 square feet of production space for property located in Land Lot 12370, District 16, Parcels 0170 and 0330, 2nd Section, Marietta, Cobb County, Georgia and being known as 994 and 1010 Roswell Street, currently zoned CRC (Community Retail Commercial). Ward 7A.

*The Planning Commission recommends approval with variances Vote: 6 – 0 – 1 with Mr. Vanderslice abstaining.*

*Motion: Mr. Diffley made a motion, seconded by Mrs. McCrae, to recommend approval of the Special Land Use Permit to city council.*

*Variances: The following variances are as follows:*

1. *Variance to allow the impervious surface coverage exceed 80%. §708.16 (H.)*
2. *Variance to allow off-street loading designed to require vehicle/truck maneuvering in the public right-of-way. §716.10*
3. *Variance to waive the 16' maximum setback for the Dodd Street frontage. §712.09 (F.)(2.)(b.)(i.)*
4. *Variance to allow metal siding on a portion of the building facing Coggins Place. §708.16 (G.)(3.)*
5. *Variance to reduce the 10 foot planted strip/border area as shown on the submitted site plan. §712.08 (G.)(2.)(a.); §712.09 (F.)(2.)(b.)(viii.)*
6. *Variance to reduce the 10' landscaped buffer between the parking facility and the adjacent parcel. §712.09 (F.)(2.)(b.)(iv.)*
7. *Variance to reduce the 8 foot wide landscape zone between the sidewalk and the building face to 6 feet along Coggins Place. §712.09 (F.)(4.)(a.)(ii.)*
8. *Variance to allow existing city-planted trees along Roswell Street count as required street trees. §712.09 (F.)(4.)(a.)(ii.)(1.); §712.09 (F.)(4.)(a.)(ii.) (2.); §712.09 (F.)(4.)(a.)(ii.)(3.)*
9. *Variance to waive the installation of pedestrian lighting fixtures in the landscape/pedestrian zone. §712.09 (F.)(4.)(a.)(ii.)(9.)*
10. *Variance to waive the 6' brick sidewalk and 2' grass strip along the west side of Coggins Place. §712.09 (F.)(4.)(a.)(i.)*
11. *Variance to waive the required street trees along the west side of Coggins Place. §712.09 (F.)(4.)(a.)(ii.)(1.); §712.09 (F.)(4.)(a.)(ii.)(2.); §712.09 (F.)(4.)(a.)(ii.)(3.)*
12. *Variance to increase the allowable wall signage from 15% to 25% for the front façade. §714.04 (B.)*

*PUBLIC HEARING (all parties are sworn in)*

**20141029      Z2014-20 City of Marietta Coggins Place Right-of-Way**

Z2014-20 [REZONING] CITY OF MARIETTA request rezoning for property located in Land Lot 12370, District 16, 2nd Section, Marietta, Cobb County, Georgia and being known as Coggins Place right-of-way from unzoned to CRC [Community Retail Commercial]. Ward 7A.

*The Planning Commission recommends Approval                      Vote: 7 – 0 – 0*

*Motion: Mr. Poor made a motion to recommend approval of this rezoning from unzoned to CRC (Community Retail Commercial), seconded by Mr. Diffley.*

*Stipulations: N/A*

*PUBLIC HEARING (all parties are sworn in)*

**RESOLUTIONS:****CITY ATTORNEY'S REPORT:**

**\*      20141064      Denial of Claim**

Denial of the claim of Bob Binkley

**CITY MANAGER'S REPORT:****MAYOR'S REPORT:****COMMITTEE REPORTS:****1. Economic/Community Development: G. A. (Andy) Morris, Chairperson**

**\*      20141038      CDBG Money to Marietta YELLS**

Approval of a Resolution reallocating \$100,465 in unspent FFY'2011 and FFY'2012 funds from Marietta Parks and Recreation to Marietta YELLS for building renovation.

**2. Finance/Investment: Stuart Fleming, Chairperson**

**\*      20140984      MPD Edward Byrne Memorial Justice Assistance Grant**

Approval of an Ordinance amending the Fiscal Year 2015 Grant Fund budget to receive and appropriate a grant from the Department of Justice through the Edward Byrne Memorial grant program for \$41,233 to purchase police equipment.

\*      **20141028      MPD Sungard Public Sector Award**

Approval of an Ordinance amending the Fiscal Year 2015 General Fund budget to receive and appropriate an award of \$2,000 from SunGard Public Sector for being a competition winner to purchase computer technology equipment for the MPD Cyber Unit.

**3. Judicial/Legislative: Philip M. Goldstein, Chairperson**

\*      **20140715      Amendments to the zoning ordinance regarding parking in planned developments.**

Motion to authorize advertising proposed changes to the Zoning Ordinance regarding parking in planned development districts, specifically including the following: Section 708.09, PRD (SF), Planned Residential Development (single family); Section 708.14, PRD (MF), Planned Residential Development (multi-family); Section 708.20 MXD, Mixed Use Development; and Section 716.07, Parking spaces required - Table J.

\*      **20140959      Fifa's on the Municipal court cases**

Motion to authorize the city attorney to move forward for a plan to recoup costs for liens over \$10,000.

*Motion to refer this matter to the Judicial/Legislative Committee.*

\*      **20141049      Lower Roswell Road Island Annexation II**

Motion to advertise the annexation of the north-central portion of the Lower Roswell Road Island properties including the adjacent right-of-way as identified in the attached map (Exhibit A) and identified in the parcel address list in the attached table (Exhibit B) into the City of Marietta.

\*      **20140917      CA2014-08 Code Amendment to the Comprehensive Development Code of the City of Marietta regarding Telecommunication Towers and Infrastructure**

CA2014-08 [CODE AMENDMENT] Proposal to amend the Comprehensive Development Code of the City of Marietta, Section 712.07, Telecommunication Towers and Infrastructure.

*This item was tabled at the September 10, 2014 City Council Meeting.*

**4. Parks, Recreation and Tourism: Michelle Cooper Kelly, Chairperson**

\*      **20141046      City Club, Marietta Operating Agreement**

Motion approving an Independent Contractor Agreement with Classic Golf Management, Inc., for the day-to-day operations of the City Club Marietta effective October 8, 2014.

\*      **20141048      Recreation Building at Custer Park**

Motion to authorize an additional appropriation of 2009 Parks Bond monies to the "Custer Recreation Building" of \$1,186,656 with a total expenditure on the project not to exceed \$3,786,656.

**5. Personnel/Insurance: Johnny Walker, Chairperson**

\*      **20140962      Line Worker Career Development Plan**

Motion to approve changes to the Board of Lights and Water Line Worker Career Development Plan.

\*      **20141052      Resolution Amending the Flexible Benefit Plan**

Resolution amending the Flexible Benefit Plan to change vision coverage to a supplemental benefit, removing it from group medical insurance coverage and to set the medical reimbursement amount to match the maximum amount as defined by the federal government.

\*      **20141039      Amendment to the City of Marietta/BLW Personnel Rules and Regulation**

Review and approval of amendments to the Personnel Rules and Regulations contained in Section 4-12-2-40 of the Code of Ordinances.

**6. Public Safety Committee: Anthony Coleman, Chairperson**

**7. Public Works Committee: Grif Chalfant, Chairperson**

**20141093      Coggins Place Right of Way**

Consideration of a motion authorizing the abandonment of a portion of Coggins Place right of way.

PUBLIC HEARING

\*      **20141036      Twin Brooks Drive Speed Feedback Sign**

Motion to approve the installation of a driver speed feedback sign on Twin Brooks Drive.

\*      **20141060      No parking along Frasier Street**

Motion to approve prohibiting on-street parking along Frasier Street from Lakewood Drive to South Ave.

\*      **20140589      Parking**

Motion authorizing installation of no parking zones along the following streets:

- Waterman Street between Atlanta Street and Alexander Street.
- Waddell Street between Waterman Street and Wayland Street.
- Wayland Street from end to end.

\*      **20141026      Speed Feedback Signs**

Motion authorizing the installation of two (2) driver speed feedback signs near Marietta Middle School.

\*      **20141055      Speed Limit on Maple Avenue**

Motion to reduce speed limit on Maple Ave from 30 mph to 25 mph.

**20141041      Speed Table on Reynolds Street**

Motion authorizing the installation of one speed table and crosswalk on Reynolds Street at Henry Drive.

*Public Hearing held at September 10, 2014 Council Meeting under item number 20140934*

\*      **20141002      Parking at Root House**

Motion authorizing 4 parking spaces fronting the Root House to be designated as "Root House Parking Only"

**OTHER BUSINESS:**



**20140805      V2014-31 Clear Channel Outdoor, Inc. 1200 Roswell Road**

V2014-31 [VARIANCE] CLEAR CHANNEL OUTDOOR, INC. request variances for property located in Land Lot 12390, District 16, Parcel 0130, 2nd Section, Marietta, Cobb County, Georgia and being known as 1200 Roswell Road, currently zoned CRC (Community Retail Commercial).

1. Variance to reduce the minimum lot size from 20,000 sq. ft. to 4,054 sq. ft. [§704.04; §708.16 (H.); §714.04 (G)(1.); §714.04 (G)(8.)]
2. Variance to reduce the front, side, and rear setbacks. [§708.16 (H.); §714.04 (G)(1.); §714.04 (G)(8.)]
3. Variance to allow a billboard to be located within 1,000 feet of another billboard. [§714.04 (G)(5.)]
4. Variance to allow a billboard to be located closer to a permanent structure than a distance that is equal to or greater than the height of the sign. [§714.04 (G)(10.)]
5. Variance to eliminate the requirement that a billboard must be regulated as a principal use and be required to meet all dimensional standards of the applicable zoning district (CRC). [§704.04; §708.16 (H.); §714.04 (G)(1.); §714.04 (G)(8.)]    Ward 7A.

*This item was tabled at the September 10, 2014 City Council Meeting.*

**20140948      V2014-38 CBS Outdoor, LLC 121 Frey's Gin Road**

V2014-38 [VARIANCE] CBS OUTDOOR, LLC request variances for property located in Land Lot 12390, District 16, Parcel 0160, 2nd Section, Marietta, Cobb County, Georgia and being known as 121 Frey's Gin Road, currently zoned CRC (Community Retail Commercial). Ward 7A.

1. Variance to reduce the front setback for a billboard support structure from 35' to 32.';
2. Variance to reduce the rear setback for a billboard support structure from 35' to 23.';
3. Variance to reduce the front setback for billboard sign faces to 6.' §708.16 (H.);
4. Variance to reduce the rear setback for billboard sign faces to 1.'
5. Variance to locate a billboard within 1,000' of other billboards;
6. Variance to locate a billboard within 500' of a church.

**20140949      2014-39 CBS Outdoor, LLC 100 Chert Road**

V2014-39 [VARIANCE] CBS OUTDOOR, LLC request variances for property located in Land Lot 12100, District 16, Parcel 0320, 2nd Section, Marietta, Cobb County, Georgia and being known as 100 Chert Road, currently zoned CRC (Community Retail Commercial).

1. Variance to reduce the front setback for a billboard support structure from 35' to 20.';
2. Variance to reduce the rear setback for a billboard support structure from 35' to 21.';
3. Variance to reduce the front setback for billboard sign faces to 0.'
4. Variance to reduce the rear setback for billboard sign faces to 0.'
5. Variance to locate a billboard within 1,000' of other billboards.
6. Variance to locate a billboard on a substandard lot;
7. Variance to locate a billboard within 500' of a residential zoning district. Ward 7A.

**20140950      V2014-40 CBS Outdoor, LLC 1200 Gresham Road**

V2014-40 [VARIANCE] CBS OUTDOOR, LLC request variances for property located in Land Lot 11660, District 16, Parcel 0070, 2nd Section, Marietta, Cobb County, Georgia and being known as 1200 Gresham Road, currently zoned CRC (Community Retail Commercial). Ward 7.

1. Variance to reduce the rear setback for a billboard support structure from 35' to 22.';
2. Variance to reduce the rear setback for billboard sign faces to 19.'
3. Variance to reduce the side setback for billboard sign faces to 0.'
4. Variance to locate a billboard within 1,000' of other billboards;
5. Variance to locate a billboard on a substandard lot;
6. Variance to reduce the minimum lot width from 100' to 72.'
7. Variance to locate a billboard within 500' of a residential zoning district.

**20140951      V2014-41 Clear Channel Outdoor, Inc. 1318 Kasandra Drive**

V2014-41 [VARIANCE] CLEAR CHANNEL OUTDOOR, INC. request variances for property located in Land Lot 12820, District 16, Parcel 0730, 2nd Section, Marietta, Cobb County, Georgia and being known as 1318 Kasandra Drive, currently zoned CRC (Community Retail Commercial). Ward 7A.

1. Variance to reduce the rear setback for a billboard support structure from 35' to 23.' §708.16 (H.); §714.04 (G)(1.); §714.04 (G)(8.)
2. Variance to reduce the rear setback for billboard sign faces to 0.' §708.16 (H.); §714.04 (G)(1.); §714.04 (G)(8.)
3. Variance to reduce the southern side setback for billboard sign faces to 0.' §708.16 (H.); §714.04 (G)(1.); §714.04 (G)(8.)
4. Variance to reduce the 40' buffer to 31.' §708.16 (I.)
5. Variance to locate a billboard within 1,000' of other billboards. §714.04 (G)(5.)
6. Variance to locate a billboard on a substandard lot. §708.16 (H.); §714.04 (G)(1.); §714.04 (G)(5.); §704.04
7. Variance to locate a billboard within 500' of a residential zoning district. §714.04 (G)(2.)
8. Variance to locate a billboard closer to a permanent structure than a distance that is equal to or greater than the height of the sign. §714.04 (G)(10.)

**20140952      V2014-42 Clear Channel Outdoor 646 Webb Industrial Drive**

V2014-42 [VARIANCE] CLEAR CHANNEL OUTDOOR request variances for property located in Land Lot 09980, District 16, Parcel 0130, 2nd Section, Marietta, Cobb County, Georgia and being known as 646 Webb Industrial Drive, currently zoned HI (Heavy Industrial). Ward 5B.

1. Variance to reduce the side setbacks for a billboard support structure from 20' to 10.';
2. Variance to reduce the rear setback for a billboard support structure from 40' to 25.';
3. Variance to reduce the rear and side setbacks for billboard sign faces to 0.';
4. Variance to locate a billboard within 1,000' of other billboards.
5. Variance to locate a billboard on a substandard lot;
6. Variance to reduce the minimum lot width from 150' to 21.';
7. Variance to locate a billboard closer to a permanent structure than a distance that is equal to or greater than the height of the sign.

**20140953      V2014-43 Clear Channel Outdoor, Inc. 611 Webb Industrial Drive**

V2014-43 [VARIANCE] CLEAR CHANNEL OUTDOOR, INC. request variances for property located in Land Lot 09980, District 16, Parcel 0120, 2nd Section, Marietta, Cobb County, Georgia and being known as 611 Webb Industrial Drive, currently zoned HI (Heavy Industrial). Ward 5B.

1. Variance to reduce the side setbacks for a billboard support structure from 20' to 11.';
2. Variance to reduce the rear setback for a billboard support structure from 40' to 23.';
3. Variance to reduce the rear and side setbacks for billboard sign faces to 0.'
4. Variance to locate a billboard within 1,000' of other billboards.
5. Variance to locate a billboard on a substandard lot;
6. Variance to reduce the minimum lot width from 150' to 21.'
7. Variance to locate a billboard closer to a permanent structure than a distance that is equal to or greater than the height of the sign.

\*      **20140968      V2014-46 Racetrac Petroleum 2484 Delk Road, 2466 Delk Road, and 2400 Delk Road**

V2014-46 [VARIANCE] RACETRAC PETROLEUM request variances for property located in Land Lot 07990, District 17, Parcels 0380, 0050, and 0090, 2nd Section, Marietta, Cobb County, Georgia and being known as 2484 Delk Road, 2466 Delk Road, 2400 Delk Road, currently zoned CRC (Community Retail Commercial). Ward 7A.

1. Variance to allow for an existing nonconforming use (pylon) sign to remain after upgrades to the property are made.

\*      **20141105      National League of Cities (NLC) Annual Meeting**

Motion to appoint Philip M. Goldstein as the voting delegate and Anthony Coleman as the alternate voting delegate for the National League of Cities (NLC) Annual Business Meeting that will be held during the Congress of Cities in Austin, Texas, November 22, 2014.

**20141106      Modify "No Parking" Zone**

Motion to remove the no parking zone along the east side of Wilson Drive.

\*      **20141085      BLW Actions of the October 6, 2014**

Review and approval of the October 6, 2014 actions and minutes of the Marietta Board of Lights and Water.

**UNSCHEDULED APPEARANCES:**

**ADJOURNMENT:**